

REMARKS

Claims 1-4 and 6-26 are currently pending in the subject application and are presently under consideration. Claims 1, 4, 16, 19, 20, 21, 22 and 26 have been amended as shown on pp. 2-5 of the Reply. In addition, claims 8-15 have been cancelled herein. It is submitted that the amendments place the application in better condition for allowance and, accordingly, it is respectfully requested that the amendment be entered. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 8-15 Under 35 U.S.C. §101

Claims 8-15 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 8-15 have been cancelled herein. Accordingly, withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-4, 6-9, 11-16, 18-23 and 25-26 Under 35 U.S.C. §103(a)

Claims 1-4, 6-9, 11-16, 18-23 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Shoff *et al* (U.S. 6,240,555) in view of Hirata (U.S. 6,374,406). Withdrawal of this rejection is requested for at least the following reasons. The cited references, either alone or in combination, fail to teach or suggest all limitations of the subject claims

The prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed subject matter relates to a token schema that identifies pertinent program information for a corresponding segment of broadcast audio and/or visual information. This allows a token enabled recording device to add the program criteria to a program list for recording at a future date and time, and also allows tokens to be tracked through a token global unique identifier. In particular, independent claim 1 (and similarly independent claims 1, 8, 16, 20 and 22) recites) *a system for representing at least one of an audio and visual program, comprising a token having a schema that identifies a corresponding program, the token being*

transportable between at least two computers, the schema comprising a multi-level data structure with a plurality of different fields for holding a plurality of data types, the plurality of fields include a universal program global unique identifier that identifies a specific broadcast program in a format compatible with a variety of broadcast platforms and a recording component that obtains the token and schedules a recording of the corresponding program based at least in part on the schema data of the token or local programming data. Shoff *et al.* and Hirata, alone or in combination, fail to teach or suggest such aspects.

Shoff *et al.* relates to an interactive entertainment system that provides supplemental interactive content along side traditional broadcast video programs such as televisions shows or movies. A viewer tunes in a particular program or browses an electronic programming guide for programs. An indication is provided to the viewer when interactive content is available in association with a particular program. The interactive content can be downloaded and presented along side the tuned in traditional broadcast. (See Abstract). In the subject Final Office Action, it is contended that the database storage components in Shoff *et al.* teaches a universal program global unique identifier as recited in the subject claims. Applicants' representative respectfully disagrees. The cited reference provides a database structure for a electronic programming guide database that manages programs. The database structure includes pointers to video streams, titles, actors, audio flags (*e.g.*, closed captioning, stereo, etc.), air time, network, a brief description and a link or pointer to supplemental content available when the program entry is interactively compatible. (See Fig. 3). Thus, the EPG storage database includes pointers to supplemental content or video streams but does not include a universal program global unique identifier that identifies a specific broadcast program in a format compatible with a variety of broadcast platforms as recited in the subject claims.

Hirata is relied upon to make up for the deficiencies of Shoff *et al.* with respect to the subject claims. Applicants' representative respectfully submits the Hirata fails to cure the aforementioned deficiencies of Shoff *et al.* Hirata relates to using electronic mail to program household appliances, allowing the appliances to accomplish a set of standard tasks. For example, Hirata allows a video deck to record a video program based upon user specified time, date and channel information. The specified time, date and channel information are supplied by the user through electronic mail. However, Hirata does not teach or suggest a universal program global unique identifier included in the mail as recited in the subject claims.

In view of at least the foregoing, it is readily apparent that Shoff *et al.* and Hirata, either alone or in combination, fail to disclose, teach or suggest each and every limitation recited in the subject claims. Therefore, the cited references do not make obvious applicants' claimed invention and this rejection should be withdrawn.

III. Rejection of Claims 10, 17 and 24 Under 35 U.S.C. §103(a)

Claims 10, 17 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schoff *et al.* in view of Hirata. This rejection should be withdrawn for at least the following reasons. Claims 10, 17 and 24 depend from independent claims 8, 16, 20 and 22, and for reasons stated *supra*, Schoff *et al.* and Hirata fails to teach or suggest all limitations as recited in the independent claims from which the subject claims depend. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP135US]

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731